

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DERRICK BARNES,	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	
KEVIN KAUFFMAN, et al.,	:	No. 16-CV-0772
Respondents.	:	

**ORDER**

AND NOW, this 14th day of July, 2016, upon careful and independent consideration of Derrick Barnes' petition for writ of habeas corpus (Doc. No. 1), and the Commonwealth's response in opposition (Doc. No. 4), and the Report and Recommendation of Magistrate Judge Richard A. Lloret, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is APPROVED and ADOPTED;
2. Barnes' petition for writ of habeas corpus (Doc. No. 1) is DENIED with prejudice;
3. No certificate of appealability shall issue, because "the applicant has [not] made a substantial showing of the denial of a constitutional right[.]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my "assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *United States v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, \_\_\_\_ U.S. \_\_\_\_, 132 S. Ct. 641 (2012); and,

4. The Clerk of Court shall mark this file closed.

BY THE COURT:

**/s/ Petrese B. Tucker**

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HON. PETRESE B. TUCKER  
U.S. District Court Judge